

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ERIC GUTIERREZ,

Petitioner,

vs.

CV 19-00436 RB/JHR

HECTOR BALDERAS, Attorney  
General for the State of New Mexico,

Respondent.<sup>1</sup>

**ORDER**

THIS MATTER comes before the Court on Petitioner Eric Gutierrez' Motion to Appoint Counsel [Doc. 35], docketed August 15, 2022; and his Second Motion to Extend Time to File Objections to the Magistrate's Report and Recommendations [Doc. 36], filed August 15, 2022.

Gutierrez filed a *pro se* motion to appoint counsel, which was docketed on August 15, 2022. [See Doc. 35]. On the same day<sup>2</sup>, Gutierrez' counsel of record, Louis Elias Lopez, Jr., notified the Court that the representation issue is resolved and that "[he] will be representing the petitioner through the remainder of the case before this Court." [Doc. 36, p. 2]. Because this issue is resolved, Gutierrez' motion to appoint counsel is DENIED as moot.

In the second motion to extend time, Gutierrez requests an additional 7 days to file objections. [Doc. 36, p. 1]. It is unopposed. [*Id.*, p. 2]. Having considered the request, noting it is unopposed, the Court finds good cause and GRANTS the motion to extend time. The objections deadline is hereby extended to August 22, 2022.

---

<sup>1</sup> The Court granted Respondents' unopposed motion to dismiss warden David Fajardo as a respondent. [Doc. 27].

<sup>2</sup> Lopez says Gutierrez "wrote his letter/motion" on August 8th, 2022, before the resolution of the representation issue. [Doc. 36, p. 2; *see also* Doc. 35 (caption)].

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read "J H R", is written above a horizontal line.

JERRY H. RITTER  
UNITED STATES MAGISTRATE JUDGE